

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

TINA LINDQUIST : NO. 04-249E
Plaintiff, :
v. : THE HONORABLE
HEIM, L.P. : SEAN J. MCLAUGHLIN
Defendant. :
:

PLAINTIFF'S MOTION TO CONTINUE TRIAL

Now comes the Plaintiff, Tina Lindquist, by and through her undersigned counsel and files the within Motion to Continue Trial and avers the following:

1. This product liability case arises out of an industrial accident that took place on September 25, 2002.
2. On that date, the Plaintiff, Tina Lindquist, sustained traumatic amputation of all eight (8) of her fingers in a machine manufactured by Defendant, Heim, L.P..
3. At the conclusion of the liability and expert discovery, the Defendant, Heim L.P., filed a Motion for Summary Judgment. Said Motion for Summary Judgment was filed with the Court on May 15, 2006.
4. The Plaintiff timely replied to this Motion for Summary Judgment on May 22, 2006.
5. On December 11, 2006, the Honorable Susan Paradise Baxter filed a Magistrate Judge's Report and Recommendation

recommending the Motion for Summary Judgment filed by the Defendant be denied.

6. On December 28, 2006, counsel for the Defendant, Heim, L.P., filed exceptions to the Magistrate Judge's Report and Recommendation.

7. On January 3, 2007 counsel for Plaintiff filed a Motion to Strike the exceptions as well as response to the exceptions.

8. The Defendants' exceptions to the Magistrate Judge's Report and Recommendation as well as the Plaintiff's Motion to Strike and Response thereto is presently before this Court for disposition.

9. In addition, this case has been listed for trial on March 12, 2007.

10. All of the depositions necessary to proceed with trial will be completed by March 12, 2007.

11. However, on August 11, 2006, the Honorable Thomas Piccione in the Court of Common Pleas of Lawrence County entered an Order of Court setting a five (5) day non-jury trial for March 12, 2007 on the matter of Stephen Piper, et al. v. Kyle Piper. (See copy of August 11, 2006, Order attached hereto as Exhibit "A").

12. The undersigned is lead counsel on both of these cases and his presence at both trials is essential.

13. Counsel for Defendant, Heim, L.P., was contacted regarding this Motion for Continuance and does not object to the request.

14. No party will be prejudiced if this case is continued to the next available trial list.

WHEREFORE, in light of the foregoing, Plaintiff respectfully request that this Honorable Court enter an Order removing this case from the March 12, 2007, trial term.

DALLAS W. HARTMAN, P.C.

/s/ Dallas W. Hartman
Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the within document was served on the party below in the following manner:

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DATE: 01/09/07

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